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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,693	12/10/2001	Robert Seseck	10012626-1	3065

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EXAMINER
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MCALLISTER, STEVEN B

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	SESEK ET AL.
10/006,693	
Examiner Steven B. McAllister	Art Unit 3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-40 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/27/2003.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_ .

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims lack a technological nexus (i.e., the use of a computer claimed in the body of the claims).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18-22 and 37-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 18 and 37 recite a "reserve" and "depletion factor". However, it is not clear what these entities are.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 12-17, 25, 26, 28, 29, 31, and 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Paton (EP 0822524 A).

As to claims 1 and 28, Paton shows configuring usage rate profile data comprising history data sampled from the system; monitoring a parameter of the system comprising the amount of money; comparing the parameter with the usage rate data; and generating an alert condition if the parameter deviates from the usage rate data (e.g., pg. 3, lines 47-59). Paton also shows means for accomplishing the steps.

As to claims 2 and 29, Paton shows consumption rate data for consumable materials, comprising money.

As to claim 4, Paton shows repetitively reading the parameter.

As to claims 5 and 31, the parameter is a consumable level indicator (cash level).

As to claims 12-14 and 34, Paton shows that the rate data is organized by time comprising day and time of day (e.g., Fig. 6).

As to claim 15, Paton shows that the data is organized by calendar events comprising cash deliveries.

As to claims 16 and 35, Paton shows periodically performing the monitoring step; determining a trend of the parameter, and saving the data values in the rate profile data (e.g., pg. 3, lines 39-46).

As to claims 17 and 36, the monitored parameter is compared to the trend of data values.

As to claims 25 and 26, Paton shows an alert indicator comprising a message sent via telecommunications to a remote computer (e.g., Fig. 4B).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paton.

Paton shows all elements of the invention except disabling the system and means for doing so. Paton does however, show determining that there is a hardware failure within the system (e.g., pg. 4, lines 3-12). It is notoriously old and well known in the art to disable a malfunctioning system (and to provide a means for doing so). It would have been obvious to one of ordinary skill in the art to modify the method of Paton by disabling a malfunctioning system in order to prevent further damage and to avoid possible mishandling of cash.

Claims 18, 19, 23, 24, 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paton in view of LoBiondo et al (5,305,199).

As to claims 18 and 37, Paton shows all steps of the claim except receiving a reserve level and calculating a depletion factor with respect to the trend of the

parameters and the reserve level. LoBiondo et al show receiving a reserve level comprising 300 reams of paper, at which level stock must be replaced; and calculating a depletion factor comprising the time when stock will need to be replaced (the intersection of the trend of the observed parameter and the 300 ream line). It would have been obvious to one of ordinary skill in the art to modify the method of Paton as taught by Lo Biondo et al in order to avoid running out since a reserve is maintained.

As to claim 19, Lo Biondo et al show outputting the depletion factor.

As to claims 23 and 39, it is noted that Paton as modified by LoBiondo et al show all elements except the alert including the depletion factor. However, it would have been obvious to one of ordinary skill in the art to further modify the method of Paton by providing this information in order to provide an indication of the speed with which the machine must be restocked.

As to claim 24, it is noted that LoBiondo et al show auto re-ordering.

Claims 7-11 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paton in view of Cohen (2003/0097331).

Paton shows all elements of the claim except organizing the rate data by users. Cohen shows organizing the data by users. It would have been obvious to one of ordinary skill in the art to modify the method of Cohen by organizing data by user in order to provide custom limits on each user.

As to claim 8, Paton shows all elements of the claim except organizing the rate data by accounts. Cohen shows organizing the data by accounts. It would have been obvious to one of ordinary skill in the art to modify the method of Cohen by organizing data by account in order to provide custom limits on each account.

As to claims 9-11 and 33, Paton shows all elements of the claim except that the data includes budget expenditure data organizing the rate data by account or user. Cohen shows this element. It would have been obvious to one of ordinary skill in the art to modify the method of Cohen by organizing data by user in order to provide custom limits on each user and account.

Claims 1, 2, 4, 5, 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over LoBiondo et al in view of Paton.

LoBiondo et al show monitoring a parameter of the system comprising expendable resources (e.g., toner, paper); and configuring a usage profile rate in a database. It does not shows comparing the parameter to the rate data and generating an alert if the parameter deviates from the rate data. Paton shows this element. It would have been obvious to one of ordinary skill in the art to modify the method of Lobiondo et al by comparing the parameter to the rate data and issuing an alert if the data deviates in order to alert the user that the system will have to be serviced sooner than expected.

As to claim 18, it is noted that LoBiondo et al shows receiving a reserve value comprising the paper level at which resupply is needed and calculating a depletion factor comprising time until the reserve level is reached.

Claims 20-22, 28, 29, 31, and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over LoBiondo et al in view of Paton as applied to claims 1, 16, and 18 above, and further in view of Hikawa (6,678,065).

LoBiondo et al in view of Paton show all elements of the claim except allocating a system resource based on a usage priority factor. Hikawa shows this element. It would have been obvious to one of ordinary skill in the art to further modify the method of LoBiondo et al by providing for the use of resources based on a usage priority factor in order to assure that higher priority items are accomplished.

As to claims 21 and 22, LoBiondo et al in view of Paton and Hikawa show all elements except priority based on user or account identity. However, to provide priority based on user or account is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method of LoBiondo et al to by providing priority based on user and account in order to ensure that the jobs of those with a higher priority are accomplished.

Claims 1, 3, 4, 6, 12-17, 25, 26, 28, 30, 32, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagira et al (5,666,585) in view of Paton.

Nagira et al monitor a parameter of the system comprising counts relating to wear of components (e.g., Fig. 8). Nagira et al do not configure usage rate data, compare the parameter with the rate data, or generate an alert when the parameter deviates from the rate data. Paton shows accomplishing these steps. It would have been obvious to one of ordinary skill in the art to modify the method of Nagira et al by performing the steps of Paton in order to provide a warning when maintenance may have to be performed sooner than expected.

As to claims 6 and 32, it is noted that Nagire et al shows the component count indicator comprising counts related to wear.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*St. B. McAllister*  
Steven B. McAllister

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PRIMARY EXAMINER